

DEC 20 2007

Application No. 09/886,663

Filed: June 21, 2001

TC Art Unit: 1616

Confirmation No.: 4750

REMARKS

Claims 1-2, 4-5, 7-9, 11-13, and 15-29 will be pending upon entry of these amendments. Claims 8, 12, and 16 are canceled herein without prejudice or disclaimer, and claims 3, 6, 10, and 14 were previously canceled. Claims 5, 9, and 13 have been amended, and claims 21-29 are new. Claims 1-2, 4, 7-8, 11-12, and 15-20 are withdrawn as directed to a non-elected invention.

Each of claims 5, 9, and 13 has been amended to further specify that the physical barrier comprises a continuous polymer film. Support is found in the specification, for example, at page 6, lines 12-17.

New claims 21-26 are replacements for dependent claims 8, 12, and 16, which have been canceled. Support for new claims 21-26 is found in the specification, for example, at page 6, lines 17-25, and at page 15, lines 2-13. New claims 27-29 are directed to embodiments of claims 5, 9, and 13 wherein the polymeric film comprises a co-polymer of ethylene and vinyl alcohol. Support for new claims 27-29 is found in the specification, for example, at page 6, final paragraph extending onto page 7, and in Example 2.

Application No. 09/886,663

Filed: June 21, 2001

TC Art Unit: 1616

Confirmation No.: 4750

Rejection Under 35 C.F.R. 102(b)

Claims 5, 9, and 13 are rejected as allegedly anticipated by Yamauchi US 4,206,514. The rejection is respectfully traversed.

Yamauchi is cited as teaching all the elements of Applicant's claims. Yamauchi's fabric article, essentially a sock, allegedly contains Applicants' "laminating layer" in the form of a simple fabric. The fabric is alleged to be a physical barrier to chemical vapors. The fabric is coated at certain spots with a composition comprising a water-insoluble resin binder containing a dispersed metal powder; this composition allegedly corresponds to Applicants' chemical deactivation and biocidal components.

Applicants disagree with the Examiner's characterization of Yamauchi. A simple fabric sock, even if it is coated at certain points with spots of a resin composition, does not constitute a physical barrier to chemical vapors, as required by the present claims.

Further, the claims as amended require a continuous polymeric film, which is not present in Yamauchi's article. Yamauchi's resin coating is highly discontinuous, and it must be so in order to preserve permeability to water vapor, because the resin

-11-

WEINGARTEN, SCHURGIN,
GAGNEBIN & LEOVITZ LLP
TEL. (617) 542-2290
FAX. (617) 451-0313

Application No. 09/886,663
Filed: June 21, 2001
TC Art Unit: 1616
Confirmation No.: 4750

composition is impermeable to water vapor. Thus, due to the discontinuous nature of Yamauchi's coating, the uncoated fabric portion of Yamauchi's article renders the article permeable to chemical vapors in addition to water vapor. Moreover, Yamauchi's resin spot coatings take the form of beads, not a film as required by the present claims.

Therefore, Yamauchi does not anticipate the present claims because Yamauchi fails to teach every element of the claims. The withdrawal of the rejection is respectfully requested.

Request for Rejoinder


Applicants assert that claims 5, 9, and 13 are allowable. These claims being generic to withdrawn dependent claims 7, 11, and 15, the rejoinder and examination of those claims is hereby requested.

Application No. 09/886,663
Filed: June 21, 2001
TC Art Unit: 1616
Confirmation No.: 4750

The Examiner is encouraged to telephone the undersigned attorney to discuss any matter that would expedite allowance of the present application.

Respectfully submitted,

SHANTHA SARANGAPANI ET AL.

By: 
Stanley M. Schurgin
Registration No. 20,979
Attorney for Applicants

WEINGARTEN, SCHURGIN,
GAGNEBIN & LEBOVICI LLP
Ten Post Office Square
Boston, MA 02109
Telephone: (617) 542-2290
Telecopier: (617) 451-0313

SMS/LJH:mrh

358085.1